

REMARKS

I. STATUS OF THE CLAIMS

Claims 1-39 and 41-51 are pending.

Claims 9-15, 24-29, 34-39, 41-47, and 50 have been withdrawn from consideration. The independent claims are 1, 9, 16, 24, 30, 34, 39, 44, 46, 48, 50 and 51.

Claims 1, 3, 16, 30-33, 48 and 51 have been amended. No new matter is believed to have been added. Proper support for the amendment of the claims can be found in the specification at least at page 6, lines 7-9.

II. EXAMINER INTERVIEW

An Examiner interview was held on October 26, 2005 in which independent claims 1 and 3 were discussed. The Examiner indicated that portions of the amendments of claims 1 and 3 appeared to be not supported by the specification but that the specification did support alternate wording. No agreement was reached.

III. THE REJECTION UNDER 35 U.S.C. §112

Claims 1-8, 16-23, 30-33, 48, 49, and 51 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Applicants have amended independent claims 1, 16, 30, 48 and 51 to correct the minor informalities indicated by the Examiner. These recitations are supported by the specification, for example at least at page 6, lines 7-9.

Accordingly, Applicants respectfully submit that the rejection of claims 1, 16, 30, 48 and 51 under 35 U.S.C. § 112, first paragraph be withdrawn.

Applicants also respectfully request that the rejection of claims 2-8, 17-23, 31-33 and 49 be withdrawn at least because these claims depend from independent claims 1, 16, 30 and 48.

IV. THE REJECTION UNDER 35 U.S.C. §102

Claims 1-7, 16-22, 48, and 49 are rejected under 35 U.S.C. §102(e) as being anticipated by Tanaka et al.

Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 1 recites a recording medium including data reproduced by a recording and/or reproducing apparatus, the data comprising, amongst other novel features, data packs designated to store additional data related to the audio data, each of the data packs being recorded in predetermined locations in corresponding ones of the recording units of the audio data, the predetermined locations being a same position in each of the recording units relative to a beginning of the recording unit, **wherein at least one of the data packs does not include the additional data.**

Independent claim 16 recites a method of reproducing data from a recording medium, the reproducing method comprising, amongst other novel features, reproducing the audio data and the additional data recorded in the read recording units, after relating the additional data to the audio data, the additional data recorded in data packs, **wherein at least one of the data packs does not include the additional data.**

Independent claim 48 recites a method of reproducing audio data and additional data, the method comprising, amongst other novel features, demultiplexing the predetermined units to separate the audio data from data packs having the additional data based upon the data packs being in a predetermined location in the corresponding recording unit relative to a beginning of the recording unit, **wherein at least one of the data packs does not include the additional data.**

Tanaka discloses a recording disc, including a sequence of packs containing control packs CONT, audio packs A, audio control packs A-CONT, and video packs V. Each VCB unit (VCBU) has a set of successive packs and the total number of packs in one VCBU is arbitrary. The first pack in each VCBU is a control pack CONT. On the other hand, each ACB unit (ACBU) has a set of successive packs which corresponds to a time length. The total number of packs in one ACBU is arbitrary. The first pack in each ACBU is an audio control pack (A-CONT) and each A-CONT is located at a place corresponding to a third pack in a VCBU (column 17, lines 22-37 and FIG. 13).

Accordingly, Tanaka discloses audio packs, video packs and control packs forming part of a VCBU, wherein each of the packs includes some type of information or data related to the VCBU.

However, Tanaka fails to teach or suggest data packs designated to store additional data, wherein at least one of the data packs does not have additional data recorded thereon, as recited in amended independent claims 1, 16 and 48.

Accordingly, Applicants respectfully assert that the rejection of independent claims 1, 16 and 48 under 35 U.S.C. § 102(e) should be withdrawn, because Tanaka fails to teach or suggest each feature of independent claims 1, 16 and 48, as amended.

Furthermore, Applicants respectfully assert that the rejection of dependent claims 2-7, 17-22, and 49 under 35 U.S.C. § 102(e) should be withdrawn at least because of their dependence from claims 1, 16, and 48, and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 2-7, 17-22, and 49 also distinguish over the prior art.

V. THE REJECTION UNDER 35 U.S.C. §103

Claims 8, 23, 30-33 and 51 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka et al. in view of Ema et al.

Applicants respectfully traverse this rejection for at least the following reasons,

Independent claim 30 recites a reproducing apparatus for reproducing data from a recording medium, the reproducing apparatus comprising, amongst other novel features, an RTI signal processor decoding the RTI packs demultiplexed by the demultiplexor to output additional data stored in the RTI packs in relation to the audio data from the audio pack, **wherein at least one of the RTI packs does not include the additional data.**

Independent claim 51 recites a reproducing apparatus for reproducing data from a recording medium, the reproducing apparatus comprising, amongst other novel features, an (RTI) processor decoding additional data related to the audio data in the corresponding recording unit and which is in the RTI packs demultiplexed by the demultiplexor, **wherein at least one of the RTI packs does not include the additional data.**

As noted above, Tanaka discloses audio packs, video packs and control packs forming part of a VCBU, wherein each of the packs includes some type of information or data related to the VCBU.

However, Tanaka fails to teach or suggest data packs or RTI packs designated to store additional data, wherein at least one of the RTI packs does not include the additional data, as recited in independent claims 30 and 51.

Ema discloses a recording medium 200 in which an audio zone includes cells 200. Each cell 220 includes only audio packs 230 and/or audio packs 230 and real time information (RTI) packs 231 as shown in FIG. 1.

Accordingly, although Ema discloses audio packs and RTI packs, Ema is silent with respect to at least one of the RTI packs not including the additional data, as recited in independent claims 30 and 51.

Therefore, Ema fails to cure the deficiencies of Tanaka.

Accordingly, Applicants respectfully assert that the rejection of independent claims 30 and 51 under 35 U.S.C. §103(a) should be withdrawn, because neither Tanaka nor Ema, whether taken singly or combined teach or suggest each feature of independent claims 30 and 51, as amended.

Furthermore, Applicants respectfully assert that the rejection of dependent claims 8, 23 and 31-33 under 35 U.S.C. § 103(a) should be withdrawn at least because of their dependence from claims 1, 16 and 30, and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 8, 23 and 31-33 also distinguish over the prior art.

VI. CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

At a minimum, the Board should enter this Amendment at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 1/30/06

By: Douglas X. Rodríguez
Douglas X. Rodríguez
Registration No. 47,269

1400 Eye St., N.W.
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510